

any other city department, nor for any 'city purpose' whatever."⁸ Yet there is authority that property acquired in fee for general municipal purposes without any restriction may be used for any public purpose.⁹ And, even though land is used for a park and recreational purposes, it may be used for other municipal purposes.¹⁰

A state's grant of land to a municipality is impliedly for a public purpose and such implication is a limitation on the municipality for other than that use.¹¹

¹ **Arkansas.** Halbut v. Forrest City, 34 Ark 246 (building rented by city used for various public uses).

California. Walton v. City of Red Bluff, 2 Cal App 4th 117, 3 Cal Rptr 275 (1992) (property granted with condition that it be used as library and city's failure to do so resulted in reversion).

City having easement to lay water pipes in a certain strip acrosslands, and which built new pipeline at different place but within strip, did not so change use or deviate from purpose of easement as to extinguish it. Ward v. Monrovia, 16 Cal 2d 815, 108 P2d 425.

Georgia. Pettitt v. Macon, 95 Ga 645, 23 SE 198.

Illinois. Absent evidence of perpetuity use requirement, village can acquire property for one use and later convey property for another use. Timothy Christian Schools v. Village, 285 Ill App 3d 949, 675 NE2d 168 (1996).

Kentucky. Use as a public square is not violated by devoting a portion of property to a passway around the square. Graves County v. Mayfield, 305 Ky 374, 204 SW2d 369.

Louisiana. Landry v. Council of Parish of East Baton Rouge, 220 So 2d 795 (La App) (municipal airport

acquired by deed without restrictions with tax funds).

Maryland. Davidson v. Baltimore, 96 Md 509, 53 A 1121.

Massachusetts. Bouchard v. Haverhill, 342 Mass 1, 171 NE2d 848 (fire department use of property condemned for school purposes).

New York. Heyward v. New York, 7 NY 314 (city-owned lands used for almshouse not reverting to grantor on removal of almshouse, but could be devoted to other public uses).

² **Georgia.** Municipal building erected and improved with aid of funds from chamber of commerce and citizens, who have been permitted to use it as civic hall and have not abandoned that use, cannot at will of city be converted into office building for its employees. Tillman v. Mayor, etc., of Athens, 206 Ga 289, 56 SE2d 624.

North Carolina. Where property was dedicated and used for school purposes, municipality could not use property for other purpose without paying board of school commissioners reasonable value of such property. Spaugh v. Charlotte, 239 NC 149, 79 SE2d 748.

Texas. Where city has acquired land with proceeds of municipal bonds which had been voted and issued for

purpose of acquiring an airport, the land purchased becomes dedicated to that purpose and the land cannot be used for any other purpose which would interfere with its use as an airport until such use in whole or in part is lawfully abandoned by the city. Beaumont v. Moore, 146 Tex 46, 202 SW2d 448.

Property dedicated to public use as an airport could not be sold or leased by city for a different use inconsistent with that of the original dedication. Moore v. Gordon, 122 SW2d 239 (Tex Civ App).

Until property is dedicated permanently to a particular public use a municipality is said to have inherent right to employ it in any public use best suited to serve public welfare. Aransas Pass v. Minter, 34 SW2d 1113 (Tex Civ App).

Dedication of land to public use, general, see ch 33.

Change or abandonment of uses for which property is dedicated, see ch 33.

³ **Iowa.** Collis v. Board of Park Com'rs of Clinton, 240 Iowa 946, 38 NW2d 635 (levee land could be diverted as to park uses); Carson v. State, 240 Iowa 1178, 38 NW2d 168 (granting of park lands by city for use of state educational institution).

Massachusetts. Town of Needham v. County Com'rs of Norfolk, 324 Mass 293, 86 NE2d 63.

Rhode Island. Buckhout v. Newport, 68 RI 280, 27 A2d 317.

Condemnation of land already devoted to public use, see ch 32.

⁴ **New Hampshire.** Newell v. Hancock, 67 NH 244, 35 A 253.

⁵ **New Mexico.** Page v. Gallup, 26 NM 239, 191 P 460.

Condemned lands, see ch 32.

Dedicated lands, see ch 33.

Sewer uses as incidental to use of property for street purposes, see ch 31.

⁶ **Missouri.** "Purpose the city had in making the purchase could not be invoked to limit or qualify the estate granted which was a fee simple estate." Neil v. Kansas City Board of Public Works, 194 Mo App 282, 188 SW 919.

⁷ **Ohio.** Columbus v. Columbus Metropolitan Housing Authority, 67 NE2d 338 (Ohio Com Pl), affd 68 NE2d 108 (Ohio App).

⁸ Fletcher v. Hylan, 211 NYS 727.

⁹ **New York.** Pearlman v. Anderson, 62 Misc 2d 24, 307 NYS2d 1014 (acquisition for general purposes with moneys from general fund).

¹⁰ **New York.** Pearlman v. Anderson, 62 Misc 2d 24, 307 NYS2d 1014 (village hall with parking facilities).

¹¹ **New York.** Fahnestock v. Office of General Services, 24 AD2d 98, 263 NYS2d 811.

II. HOLDING PROPERTY AS TRUSTEE

§ 28.25. In general.

In the absence of restrictions in the controlling law, a municipal corporation may take and hold property under the terms of a trust,¹ and may administer such trust,² provided it is for a public

purpose.³ In other words, in appropriate circumstances, a municipal corporation may act as a trustee⁴ or a cotrustee.⁵ Sometimes this municipal power is expressly conferred, recognized, or outlined by statute or charter provision.⁶ Where a municipality is required to hold property as trustee for the benefit of the public at large, a municipality cannot profit from or discriminate against nonresidents in the operation of the property.⁷ Included in this power to be a trustee is the power to become the trustee of a charitable trust, designed for a purpose concerning the promotion and support of which there is an obligation resting upon the community,⁸ a topic that is discussed in more detail in subsequent sections.⁹

Ordinarily a municipal corporation may within its discretion decline to accept a trust, or to act as a trustee,¹⁰ but when the trust is accepted, the municipal corporation assumes the same burdens and is subject to the same regulations that pertain to other trustees.¹¹ The duty to administer the donation or charitable fund agreeably to the expressed wish of the donor or testator will be enforced in equity,¹² and, where circumstances warrant such action, the municipal corporation may be removed or replaced as trustee.¹³

A public corporation created for specified purposes has no power to take and hold real estate for purposes foreign to those for which it was created.¹⁴ It cannot be trustee for purposes inconsistent with its policies,¹⁵ and cannot act as trustee in relation to any matters in which it has no interest.¹⁶ But where property is devised or granted to a corporation, partly for its own use and partly for the use of others, the power of the corporation to take and hold the property for its own use carries with it, as a necessary incident, the power to execute that part of the trust which relates to others.¹⁷

A municipal corporation has no power to accept or hold property in trust for purely private purposes.¹⁸ This is true notwithstanding the fact that the trust is a resulting one and the consequent duties of the trustee are not necessarily dependent upon the intention either of the donor or trustee, but may be implied independently of, and contrary to both.¹⁹

¹ **United States.** *Handley v. Palmer*, 91 F 948; *Merrill v. Inhabitants of Town of Gray*, 37 F Supp 61.

Louisiana. *Anderson v. Thomas*, 166 La 512, 117 So 573 (charter provisions seeking to perpetuate the trust).

Massachusetts. *White v. Treasurer of Wayland*, 273 Mass 468, 173 NE 701 (bequest for establishment of water system).

Montana. *Hames v. Polson*, 123 Mont 469, 215 P2d 950.

New Jersey. *Coles v. Newark*, 95 NJ Eq 73, 121 A 782 (statue given to city as trustee).

North Dakota. *Thompson v. Buford Tp.*, 445 NW2d 303 (ND 1989).

South Carolina. *Grady v. Greenville*, 129 SC 89, 123 SE 494 (monument).

² **United States.** *Kibbe v. Rochester*, 57 F2d 542.

California. *Muchenberger v. Santa Monica*, 206 Cal 635, 275 P 803; *Holland v. San Francisco*, 7 Cal 361.

Colorado. *In re Estate of Clayton*, 127 Colo 592, 259 P2d 617 (competence of city as trustee to execute lease of trust property).

Louisiana. *Anderson v. Thomas*, 166 La 612, 117 So 573.

Maine. *In re Clark's Estate*, 131 Me 105, 159 A 500.

Maryland. *Barnum v. Baltimore*, 62 Md 275.

Massachusetts. *Higginson v. Turner*, 171 Mass 586, 51 NE 172.

Missouri. *Barkley v. Donnelly*, 112 Mo 561, 19 SW 305; *Chambers v. St. Louis*, 29 Mo 543.

Nebraska. *Ash v. Omaha*, 152 Neb 393, 41 NW2d 386.

New York. *Vail v. Long Island R. Co.*, 106 NY 283, 12 NE 607; *Wetmore v. Parker*, 52 NY 450; *Adams v. Perry*, 43 NY 487; *Le Couteulx v. Buffalo*, 33 NY 333.

Oregon. *Newberg v. Warren*, 130 Or 64, 279 P 644, citing this treatise; *Brown v. Brown*, 7 Or 285.

Pennsylvania. *Philadelphia v. Fox*, 64 Pa 169; *Philadelphia v. Girard's Heirs*, 45 Pa 9.

Texas. *Carroll v. Beaumont*, 18 SW2d 813 (Tex Civ App).

Where city acquired eggs as act of distributing agent of federal government for surplus commodities accumulated during war, to be used for hospitals and similar purposes, manifestly city was special owner of eggs for purpose of carrying out such distribution and hence was authorized to place them in storage and sue for their damage. *Dallas v. Milum*, 200 SW2d 833 (Tex Civ App).

Wisconsin. *Thorndike v. Milwaukee*, 143 Wis 1, 126 NW 881; *Beurhaus v. Cole*, 94 Wis 617, 69 NW 986.

³ See § 28.26.

⁴ **United States.** *Girard v. Philadelphia*, 74 US 1, 19 L Ed 53.

"Although it was, in early times, held that a corporation could not take and hold real or personal estate in trust, upon the ground that there was a defect of one of the requisites to create a good trustee, namely, the want of confidence in the person; yet that doctrine has been long since exploded as unsound and too artificial; and it is now held that where the corporation has a legal capacity to take real or personal estate, it may take and hold it upon trust, in the same manner and to the same extent as a private person may do. It is true that if the trust be repugnant to, or inconsistent with, the proper purposes for which the corporation was created, that may furnish a ground why it may not be compelled to execute it. But that will furnish no ground to declare the trust itself void if otherwise unexceptionable, but it will

§ 28.26. Trust purpose as a municipal purpose.

In determining what trusts are germane to the purposes for which the municipality was created there is some conflict in the decisions, although for the most part the courts are in agreement in affirming that any of the purposes commonly recognized as charitable and public are germane to the purposes of the municipal corporation.¹ For example, a gift of a sum of money to a town, for the purpose of erecting a town house for transacting town business is valid as a charitable bequest because the purpose of the legacy was a general public use, convenient for the poor and rich.² So, a legacy to a city, in trust, as a perpetual fund, the income to be annually forever expended in planting and erecting shade trees, is a good charitable bequest.³

A devise of land to a town, directing all the interest thereof to be laid out in repairing highways and bridges yearly, and not be expended for any other use, is a devise for a public and charitable use, and is valid under the statute relating to lands given for public uses.⁴ A trust for founding and maintaining orphan asylums has been approved,⁵ as have bequests for the purpose of prospecting for and developing a coal mine,⁶ grants of land for public parks⁷ or similar public uses,⁸ and grants of a right-of-way over lands on the ocean front for the purpose of a boardwalk.⁹ Where the objects of the trust are indefinitely stated, it will be limited by operation of law to any and all proper purposes of the municipality.¹⁰

¹ **Pennsylvania.** "The widening and improvement of streets and avenues, planting them with ornamental and shade trees, the education of orphans, the building of schoolhouses, the assistance and encouragement of young mechanics, rewarding ingenuity in the useful arts, the establishment and support of hospitals, the distribution of soup, bread and fuel to the necessitous, are objects within the general scope and purpose of the municipality." Philadelphia v. Fox, 64 Pa 169.

South Carolina. Grady v. Greenville, 129 SC 89, 123 SE 494 (monument as municipal purpose).

Vermont. President & Fellows of Middlebury College v. Central Power Corp., 101 Vt 325, 143 A 384 (gift to college for public parks, to lay out and improve, as being charitable).

Gift for pension fund of teachers or other public officers or employees is valid charitable trust. 110 ALR 1048.

See §§ 28.27-28.35.

² **New York.** Coggeshall v. Pelton, 7 Johns Ch 292.

³ **Pennsylvania.** Bequest of Elliott Cresson of Philadelphia. Cresson's Appeal, 32 Pa 437, 450.

⁴ **Connecticut.** Hamden v. Rice, 24 Conn 350.

⁵ **United States.** Perin v. Carey, 24 How 465, 16 L Ed 701.

Missouri. Barkley v. Donnelly, 112 Mo 561, 19 SW 305.

⁶ **Kansas.** Delaney v. Salina, 34 Kan 532, 9 P 271.

⁷ **Maine.** State v. Rand, 366 A2d 183 (Me).

Mississippi. Lester v. Jackson, 69 Miss 887, 11 So 114.

Pennsylvania. In re Conveyance of Land Belonging to City of DuBois, 461 Pa 161, 335 A2d 352.

Texas. Woods v. Bell, 195 SW 902 (Tex Civ App) (city as trustee of land for use of park for blacks).

See also § 28.50.

⁸ **Pennsylvania.** In re Conveyance of Land Belonging to City of DuBois, 461 Pa 161, 335 A2d 352 (land conveyed to city for industrial and park purposes); Wentz v. Philadelphia, 301 Pa 261, 151 A 883 (approval of city to accept land in trust for airport).

⁹ **New Jersey.** Atlantic City v. Associated Realities Corp., 73 NJ Eq 721, 70 A 345.

¹⁰ **New Hampshire.** Petition of Simpson, 89 NH 550, 3 A2d 97.

Vermont. In re Cramton's Will, 88 Vt 435, 92 A 814.

§ 28.27. Trust for benefit of the poor.

Devises or bequests in trust for the benefit of the poor are generally sustained, especially where the municipality is charged by its charter or the general law of the state with the duty of caring for indigent persons.¹ Where a city has charter power to purchase land for municipal purposes, it may receive a gift or grant of property which is adapted to the public use of caring for the poor. A grantor of property to a municipal corporation cannot after he has received the full consideration for the transfer, recover the property on the ground that the acquisition of the property was unauthorized.²

¹ **California.** In re Robinson, 63 Cal 620.

Indiana. Commissioners v. Rogers, 55 Ind 297.

Louisiana. Succession of Mary, 2 Rob 438.

Massachusetts. A devise was held valid where it bequeathed a sum to a city with which to purchase fuel "to be given, or sold at low prices, as may be deemed best by the trustees, to such worthy and industrious persons as are not supported in whole or in part at the

public expense, but who may need some aid in addition to their own labor to enable them to sustain themselves and their families during the inclement season of the year; such aid to be afforded in the most private manner possible and the names of the recipients to be withheld from the public." Webb v. Neal, 5 Allen (Mass) 575.

Missouri. Legacy to named persons "to be spent on the welfare of poor, homeless children" is not too vague and uncertain to constitute a valid gift

soldiers' graves; and suspended in the capitol, the flags of noble regiments from their tattered folds drop eloquent eulogy for the dead, and lessons from their example for the instruction and

emulation of the living; and we do not regard any of these things as foreign to the purposes of, nor inconsistent with state or municipal organization or policy." *Sargent v. Cornish*, 54 NH 18.

§ 28.33. Trust for burial grounds.

A municipality may hold land in trust for a burial ground,¹ and also where the municipality is empowered by statute to raise money to keep burial grounds in repair, it may hold money in trust to use the income in improving a certain cemetery, notwithstanding a condition that it shall keep the amount intact for all future time.² On the other hand, a county has no power to take a bequest in perpetuity, in trust, to lend or invest the money and appropriate the annual interest to the repair and preservation of the private burial ground of the testator or his or her family.³

¹ *Massachusetts*. *Green v. Hogan*, 153 Mass 462, 27 NE 413 (municipal power conferred by statute).

Missouri. *Newton v. Newton Burial Park*, 326 Mo 901, 34 SW2d 118.

New Jersey. *Newark v. Stockton*, 44 NJ Eq 179, 14 A 630.

² *Vermont*. *Sheldon v. Stockbridge*, 67 Vt 299, 31 A 414.

Wisconsin. Where city accepted trust fund for perpetual care of cemetery and paid interest on same which it was not legally bound to do, city could not deduct amount of interest paid from principal upon termination of trust. *Wauwatosa Cemetery Ass'n v. Wauwatosa*, 224 Wis 34, 271 NW 402.

³ *Alabama*. "The duties imposed by the trust are most obviously repugnant to, and inconsistent with, the well defined purpose for which the

public corporations, known in this state as counties, were created and organized . . . The only duty of a purely charitable nature which is devolved in them, is that of making rules and regulations for the support of the poor. This is a part of their police power and is specially delegated by statute . . . Counties, therefore, can accept no trust, even of a charitable nature, in which they have no interest unless it has some connection with the maintenance or benefit of the poor, either in relieving their physical wants and sufferings or in promoting their moral, religious or secular education, or otherwise extending to them, the hand of charity . . . The trust here imposed is the management of a fund purely for a private benefit." *Holifield v. Robinson*, 79 Ala 419.

§ 28.34. Trust to loan money.

In England, trusts to loan property out to artisans are valid,¹ and a trust to loan moneys on interest to young married artificers to start them in business has been sustained.² However, a trust to

loan money has also been held not to be within the powers of a municipal corporation.³

¹ *England*. *Gloucester v. Osborn*, 1 HL Cas 272.

³ *Pennsylvania*. In re Franklin's Estate, 150 Pa 437, 24 A 626.

² *Massachusetts*. *Higginson v. Turner*, 171 Mass 586, 51 NE 172.

§ 28.35. Certainty of beneficiaries.

The law governing charitable trusts does not require that the beneficiaries of such trusts be designated with certainty.¹ Uncertainty of its objects is one of the characteristics of a true, technical, charitable use.² Some uncertainty in this respect cannot be made available to destroy the particular charitable use, for this would strike at the very foundation of all such charities and result in annihilating them. It is apparent that if all of the recipients of the charity could be designated with certainty at the time of its creation there would be no necessity for a law for charitable uses different from that which governs other trusts.³

Although the beneficiaries may be more or less uncertain, it is sufficient if, under the circumstances surrounding the trust, the description of the objects of the charity is sufficiently definite to bind the conscience of those who act as trustees, which is essential to all charities. Where the description is so indefinite as to present real difficulties in determining with a reasonable degree of precision who the beneficiaries were intended to be, the courts will declare the trust void for uncertainty. In such case, the beneficiaries would become only those chosen by the trustees, from time to time, without sufficient restraint or limitation to bind their conscience, and hence the essence of the specific purposes of the charity would not only be destroyed, but the charitable use itself would completely disappear. To justify the perpetuation of the charitable use there should be words of limitation in the grant or will controlling with definiteness and certainty those who are charged with the duty of assigning the donor's bounty.⁴ Courts differ somewhat in applying the general principle that the beneficiaries of a charitable trust must be either named or capable of being ascertained within the rules of law applicable to such cases, and therefore the exact rulings in this respect can best be learned from examination of the facts in each particular case.⁵

¹ **California.** Collier v. Lindley, 203 Cal 641, 266 P 526.

Michigan. Greenman v. Phillips, 121 Mich 464, 217 NW 1.

North Carolina. Ladies' Benevolent Society v. Orrell, 195 NC 405, 142 SE 493.

Pennsylvania. Where the object of the trust is legally ascertainable, the charitable bequest will be sustained. In re Gageby's Estate, 293 Pa 109, 142 A 842.

Tennessee. Milligan v. Greeneville College, 156 Tenn 495, 2 SW2d 90.

² **Pennsylvania.** "If a trust is for any particular persons it is not a charity. Indefiniteness is of its essence. The objects to be benefited are strangers to the donor or testator." Philadelphia v. Fox, 64 Pa 169.

³ **Missouri.** Buchanan v. Kennard, 234 Mo 117, 136 SW 415; Chambers v. St. Louis, 29 Mo 543.

⁴ **Illinois.** Taylor v. Keep, 2 Ill App 376.

Massachusetts. Nichols v. Allen, 139 Mass 212.

Michigan. Attorney-General v. Soule, 28 Mich 153.

Pennsylvania. In re Kinike's Estate, 155 Pa 101, 25 A 1016.

⁵ **United States.** Gossett v. Swinney, 53 F2d 772, affg 44 F2d 172; Handley v. Palmer, 91 F 948 (for education of poor of city was sufficiently definite description).

California. In re Bartlett's Estate, 122 Cal App 375, 10 P2d 126.

Indiana. Craig v. Seerist, 54 Ind 419 (black children of county as sufficiently described beneficiaries of trust for educational purposes); Grimes v. Harmon, 35 Ind 198 (trust for education of black male and female children

void for uncertainty); Ex parte Lindley, 32 Ind 367 (trust for education of black children in Indiana sufficient).

Iowa. Quinn v. Shields, 62 Iowa 129, 17 NW 437.

Louisiana. Girard v. New Orleans, 2 La Ann 897 (bequest to be devoted to such uses as the city might deem most beneficial to its inhabitants).

Maine. Howard v. American Peace Society, 49 Me 288 ("for the suffering poor of the town of Auburn").

Maryland. Halsey v. Convention, 75 Md 340, 23 A 781 ("for a church school for boys"); Barnum v. Baltimore, 62 Md 275; Trippe v. Frazier, 4 Har & John 446; Dashiell v. Attorney-General, 5 Har & John 392, 6 Har & John 1 (the poor children of a county or congregation or school not susceptible of ascertainment).

Massachusetts. Lord v. Miller, 277 Mass 276, 178 NE 649; Saltonstall v. Sanders, 11 Allen 446 ("for objects and purposes of charity, public and private").

Missouri. Chambers v. St. Louis, 29 Mo 543 ("to furnish relief to all poor emigrants and travelers on their way to settle in the west"); Howe v. Wilson, 91 Mo 45, 3 SW 390 ("such charitable institutions of the city of St. Louis, Missouri, as the executor might deem worthy"); Powell v. Hatch, 100 Mo 592, 14 SW 49 ("such purposes as the trustee might deem best").

A charitable bequest was sustained against the contention that it was too indefinite in its objects to be enforced, which was made to establish and maintain a hospital "for sick and injured persons, without distinction of creed, under the auspices of the M.E. Church, South, of the United States, or

its successors, and under such rules and regulations as said trustees and their successors shall from time to time establish and maintain . . . " Buchanan v. Kennard, 234 Mo 117, 136 SW 415.

A devise "for a home and place for the maintenance and education of poor children" is not too indefinite and uncertain to be enforced in equity. Barkley v. Donnelly, 112 Mo 561, 19 SW 305.

Nebraska. American Nat. Red Cross v. Young, 133 Neb 558, 276 NW 194 (no power of Red Cross to maintain suit to take money from community fund).

New York. Holland v. Alcock, 108 NY 312, 16 NE 305 (beneficiaries not sufficiently described nor capable of ascertainment); Prichard v. Thompson, 95 NY 76 (void as to indefiniteness and uncertainty).

But see Boyce v. St. Louis, 29 Barb 366, affd 37 NY 59.

A bequest to a town, in trust, in perpetuity for the benefit of the poor of the town, not confined to those for whose support the town is under a statutory liability, is invalid for the want of an ascertained beneficiary.

Fosdick v. Hempstead, 125 NY 581, 26 NE 801; Holmes v. Mead, 52 NY 332, overruling Shotwell v. Matt, 2 Sandf Ch 46; Bascom v. Albertson, 34 NY 584.

"Such Roman Catholic charities, institutions, schools and churches capable of taking by devise and bequest in the city of New York," as a majority of the executors should decide, sufficiently described the beneficiaries. Powers v. Cassidy, 79 NY 602.

Where gift was to "Cancer Clinic of New York, New York," and only institution of like name was unincorporated organization maintained by city under name of "New York City Cancer Clinic," court would direct such gift to be held by city, as trustee for the unincorporated organization. Prudential Ins. Co. v. New York Guild for Jewish Blind, 252 App Div 493, 299 NYS 917.

Ohio. Miller v. Teachout, 24 Ohio St 525 ("for the benefit of the Christian religion, to be applied in such manner as, in the judgment of the executor, would best promote the object named"); Linney v. Cleveland Trust Co., 30 Ohio App 345, 165 NE 101.

§ 28.36. Protection and preservation of charitable trusts.

Under the laws of a large majority of the states, if for any reason the municipal corporation is incapable of acting as trustee, the charity will not be allowed to fail, and instead the court will supply a trustee.¹ Also, the mere misconduct of a trustee, or his inability or failure to act will not cause a charitable trust to fail or to become forfeited.² "Charity never fails; and it is the right as well as the duty of the sovereign, by its courts and public officers, as also by its legislation (if needed) to have the charities properly administered."³

In some instances, a court will appoint a municipal corporation as trustee to carry out the terms of a charitable trust.⁴